

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
ETOYS, INC., et al.,)	
)	Case Nos. 01-0706 (RB)
Debtors.)	through 01-0709 (RB)
)	
<hr/> ROBERT K. ALBER, <i>Pro Se</i> ,)	
)	
Appellant,)	
)	
v.)	Civil Action No. 05-830-***
)	Procedurally consolidated with
TRAUB, BONACQUIST & FOX LLP,)	Civil Action No. 05-831-***
BARRY GOLD, MORRIS NICHOLS)	
ARSHT & TUNNELL LLP, and POST-)	
EFFECTIVE DATE COMMITTEE OF)	
EBC I, INC.,)	
)	
Appellees.)	

**ORDER SETTING DEADLINE FOR
APPELLANT TO FILE OPENING BRIEF**

Pursuant to the Second Amended Consolidated Scheduling Order dated October 23, 2006 (Docket Item ["D.I."] 39), Appellant's opening brief on appeal was to be filed on November 15, 2006.

On November 17, 2006, Appellees filed a Motion to Dismiss (Docket Item 42).

To date, the Appellant has failed to file his opening brief on appeal.

Therefore, IT IS HEREBY ORDERED that Appellant shall file his opening brief on appeal on or before January 18, 2007 or this appeal will be dismissed for lack of

prosecution.



UNITED STATES MAGISTRATE JUDGE

January 4, 2007
Wilmington, Delaware